



01 FEB 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

30678
CONNOLY BOVE LODGE & HUTZ
1875 Eye Street, N.W.
Suite 1100
Washington, DC 20036

In re Application of :
IONESCU, Adrian F. :
U.S. Application No.: 10/595,415 :
PCT No.: PCT/US2004/034097 :
Int. Filing Date: 18 October 2004 :
Priority Date: 17 October 2003 :
Attorney Docket No.: 22148-00004-US2 :
For: BALLAST PROTECTING DEVICE :

DECISION

This is a decision on the response filed 04 December 2009 which is treated as a renewed request under 37 CFR 1.42.

BACKGROUND

On 23 October 2009, a decision dismissing applicant's renewed petition pursuant to 37 CFR 1.42 was mailed. Applicant was given two months to respond with extensions of time available.

On 04 December 2009, applicant filed a response which was accompanied by, *inter alia*, a declaration executed by the sole heir of Adrian F. Ionescu.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

In the response to decision, applicant submitted another declaration executed by Andrei E. Ionescu, the heir of the deceased sole inventor, Adrian F. Ionescu. The declaration provides the citizenship, residence and address of the heir. The declaration also records the name and citizenship of the deceased inventor.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 18 October 2004 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 04 December 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

A handwritten signature in cursive script that reads "James Thomson".

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302